

STATE OF INDIANA ) IN THE MARION COUNTY SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. 49D07-0606-PL-027105

STATE OF INDIANA, )

Plaintiff, )

v. )

ALL CERTIFIED AUTO SALES, INC., )  
KIMBERLY A. WILLOUGHBY, individually and )  
EARL SCOTT WILLOUGHBY, individually, )  
doing business as, All Certified Auto Sales, Inc. )

Defendants. )

**FILED**

146

SEP 12 2008

*Elizabeth A. White*  
CLERK OF THE MARION CIRCUIT COURT

**CONSENT JUDGMENT**

The State of Indiana, by Attorney General Steve Carter, Certified Legal Intern E. Paige Boggs, and Deputy Attorney General January Portteus, having filed its Complaint for Injunction, Restitution, Costs and Civil Penalties, and the Defendants, All Certified Auto Sales, Inc., Kimberly A. Willoughby and Earl Scott Willoughby, individually and doing business as All Certified Auto Sales, Inc., hereby enter into this Consent Judgment without trial and adjudication of any issue of fact or law.

Now, therefore, by consent and agreement of the parties, it is **ORDERED**,  
**ADJUDGED and DECREED** as follows:

**INJUNCTIVE RELIEF**

1. Pursuant to Indiana Code §24-5-0.5-4(c)(1), the Defendants, All Certified Auto Sales, Inc., Kimberly A. Willoughby and Earl Scott Willoughby, individually and doing business as All Certified Auto Sales, their agents, representatives, employees,

SEP 12 2008

successors and assigns are permanently enjoined from engaging in the following while engaging in or soliciting to engage in the retail sale of motor vehicles:

- a. representing, expressly or by implication, that consumers will receive refunds of down payments or partial down payments if Defendants cannot obtain financing for consumers, when the Defendants know or should reasonably know they will not make refunds as represented;
- b. representing, expressly or by implication, that consumers will receive refunds of down payments or partial down payments within a stated or reasonable time frame, when the Defendants know or should reasonably know they will not provide the refunds as represented;
- c. soliciting consumers to enter into contracts or agreements that contain oppressively one sided or harsh terms; and,
- d. conducting any business related to the retail sale of motor vehicles within the State of Indiana that is not in full compliance with the Indiana Deceptive Consumer Sales Act, Ind. Code §24-5-0.5-1 *et seq.*, the Indiana Vehicle Manufacturers, Distributors and Dealers Act, Ind. Code §9-23-1 *et seq.*, and 140 Indiana Administrative Code §3.5-1 *et seq.*

### DAMAGES

2. Pursuant to Ind. Code §24-5-0.5-4(c)(2), judgment is granted in favor of Plaintiff, State of Indiana, for consumer restitution in the total amount of \$4,200.00, on behalf of the following consumers:

- a. LaShelle Cork \$ 500.00;
- b. Irma Gonzalez \$1,500.00;
- c. Barbara Cole \$ 700.00; and
- d. Salvador Rincon \$1,500.00.

3. Pursuant to Ind. Code §24-5-0.5-4(c)(3), judgment is granted in favor of Plaintiff, State of Indiana, for its cost of investigation and prosecution in the amount of \$1,500.00.

4. Pursuant to Ind. Code §24-5-0.5-4(g), judgment is granted in favor of Plaintiff, State of Indiana, for civil penalties in the amount of \$3,000.00.

5. Pursuant to Ind. Code §24-5-0.5-8, judgment is granted in favor of Plaintiff, State of Indiana, for civil penalties in the amount of \$3,000.00.

### CONTINUING JURISDICTION

6. The Court shall retain jurisdiction for the purpose of issuing such orders as may be necessary to interpret or enforce the provisions herein.

### CONTINUING JURISDICTION

7. For the purpose of enforcing the provisions of this Consent Judgment, Defendant waives any objection regarding the Court's jurisdiction to punish for contempt and agrees to appear on proper notice of a failure to comply with any of the provisions of this Judgment.

IN WITNESS HEREOF, the parties have executed this Consent Judgment this

9<sup>th</sup> day of September, 2008.

STATE OF INDIANA  
STEVE CARTER  
Indiana Attorney General

By: E. Paige Boggs  
E. Paige Boggs  
Certified Legal Intern

ALL CERTIFIED AUTO SALES, INC.,

by: Scott W. Wiloughby  
(printed name)  
title: GM.

January Porteus  
January Porteus  
Deputy Attorney General  
Attorney Number 25741-49

EARL SCOTT WILLOUGHBY  
individually and doing business as  
All Certified Auto Sales, Inc.

Kimberly A. Wiloughby  
KIMBERLY A. WILLOUGHBY  
individually and doing business as  
All Certified Auto Sales, Inc.

### JUDGMENT

Judgment in favor of Plaintiff, State of Indiana, for injunctive relief, consumer  
restitution, civil penalties and costs in the amount \$511,700.00 is **ORDERED**,  
SEP 12 2008

**ADJUDGED and DECREED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Donald R. Jones  
Judge, Marion County Superior Court